

1 AN ACT in relation to egg-laying hens.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Safe Egg and Laying Hen Protection Act.

6 Section 5. Definitions. As used in this Act:

7 "Department" means the Illinois Department of
8 Agriculture.

9 "Forced molting procedure" means the deliberate
10 withholding of food or water from a laying hen in order to
11 induce a loss and regrowth of feathers for the purpose of
12 increasing or extending egg production. The term does not
13 include withholding food or water from a laying hen upon the
14 advice of a veterinarian for the purpose of treating disease
15 or otherwise improving the health of the laying hen.

16 "Laying hen" means a female chicken kept for the purpose
17 of commercial egg production.

18 Section 10. Legislative findings; public policy.

19 (a) The General Assembly finds that:

20 (1) The battery cages and forced molting procedures
21 used by some commercial egg producers are inherently
22 inhumane. They result in unnecessary cruelty to laying
23 hens and contribute to the production of unsanitary and
24 disease-containing eggs.

25 (2) Forced molting procedures are used to increase
26 and extend egg production. The most common procedure is
27 to remove all food (and in some cases all water) from the
28 hens for 10 to 14 days; this disrupts their normal
29 hormone cycles, causing them to molt or lose their
30 feathers. Although this process results in an extension

1 of a hen's ability to lay eggs, it also produces stress
2 and immune system compromise, which increases the
3 likelihood and severity of bacterial infection
4 (especially Salmonella enteritidis) and other disease in
5 both the hen and her eggs. Force-molted hens are far
6 more susceptible to infection than unmolted laying hens.
7 Forced molting in close-confinement battery cages makes
8 the spread of infection even more severe and practically
9 inevitable.

10 (3) Contaminated eggs are a leading source of
11 Salmonella enteritidis infection in people. In 1997,
12 over 300,000 human illnesses and between 115 and 229
13 deaths occurred as a result of Salmonella enteritidis.
14 The use of forced molting and close-confinement cages is
15 a major contributor to Salmonella enteritidis infection
16 in both poultry and eggs. Countries and facilities where
17 the use of forced molting and close-confinement cages has
18 been reduced have experienced dramatic reductions in
19 Salmonella levels in both laying hens and eggs.

20 (4) The USDA's Food Safety and Inspection Service
21 is encouraging egg producers to eliminate forced molting
22 practices because of the risks to public health resulting
23 from Salmonella infection. Consumers Union has expressed
24 its opposition to forced molting for public health
25 reasons, and many other countries and organizations
26 throughout the world oppose the use of forced molting
27 procedures and close-confinement cages on both public
28 health and humanitarian grounds.

29 (b) The General Assembly declares that it is the public
30 policy of this State to encourage the production of eggs in a
31 manner that provides appropriate and humane treatment of
32 laying hens and results in the production of sanitary and
33 disease-free eggs.

1 Section 15. Forced molting procedures prohibited.

2 (a) Beginning January 1, 2002, a person engaged in
3 commercial egg production in this State shall not subject a
4 laying hen to any forced molting procedure.

5 (b) Knowing violation of this Section is a Class A
6 misdemeanor.

7 (c) In addition to criminal penalties, a person who
8 violates this Section may be subject to administrative
9 penalties imposed by the Department, which may include a
10 civil penalty of up to \$100 for each laying hen subjected to
11 a forced molting procedure.

12 Section 25. Additional rules. The Department may adopt
13 any rules regulating the treatment of laying hens that it
14 determines to be necessary for the protection of laying hens
15 from cruel and inhumane treatment by commercial egg producers
16 in this State. In adopting any such rules, the Department
17 shall take into consideration the standards and
18 recommendations of recognized authorities and the economics
19 of the Illinois egg production industry.

20 Section 30. Powers of the Department. The Department
21 has all powers necessary or appropriate for the
22 administration and enforcement of this Act, including without
23 limitation the power:

24 (1) to adopt rules (including emergency rules) for
25 the administration and enforcement of this Act,

26 (2) to impose reasonable fees for the registration
27 of existing battery cages,

28 (3) to investigate any alleged or suspected
29 violation of this Act,

30 (4) to enter and inspect any commercial egg
31 production facility in this State,

32 (5) to impose civil penalties after giving notice

1 and an opportunity for a hearing, and
2 (6) pursuant to a valid court order, to seize,
3 remove, or destroy any equipment used in violation of
4 this Act.

5 Section 35. Complaint; investigation; action.

6 (a) Any person may complain to the Department about an
7 apparent or threatened violation of this Act or a rule
8 adopted under this Act. The Department shall investigate the
9 complaint and shall report the result of its investigation to
10 the complainant.

11 (b) If it determines that a violation of this Act or a
12 rule adopted under this Act is threatened or has occurred,
13 the Department shall take appropriate administrative or other
14 action to correct, restrain, or prevent the violation.

15 (c) The Department shall notify the appropriate State's
16 Attorney whenever it determines or suspects that a
17 significant violation of Section 15 or 20 has occurred.

18 Section 40. Enforcement; injunction; nuisance.

19 (a) The Department may bring an action in the circuit
20 court of any county in which an actual or threatened
21 violation of this Act or of a rule adopted under this Act
22 occurs, for the purpose of:

23 (1) seeking an order restraining any continuing or
24 threatened violation of this Act or of a rule adopted
25 under this Act,

26 (2) seeking an order condemning as a public
27 nuisance and directing the seizure, removal, or
28 destruction of any equipment used in violation of this
29 Act or of a rule adopted under this Act, or

30 (3) collecting any civil penalties lawfully imposed
31 under this Act.

32 (b) Any other person may bring an action in the circuit

1 court of any county in which an apparent or threatened
2 violation of this Act or a rule adopted under this Act
3 occurs, for the purpose of seeking an order restraining that
4 violation. In an action brought under this subsection, the
5 court may award reasonable attorney's fees and costs to the
6 prevailing party.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.